

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:12-cv-00596-MOC-DSC

SCOTT REHBERG, WILLARD ALLEN RILEY,)
and MARIO RONCHETTI, individually and)
behalf of all similarly situated individuals,)

Plaintiffs,)

Vs.)

ORDER

FLOWERS BAKING COMPANY OF)
JAMESTOWN, LLC and FLOWERS FOODS,)
INC.,)

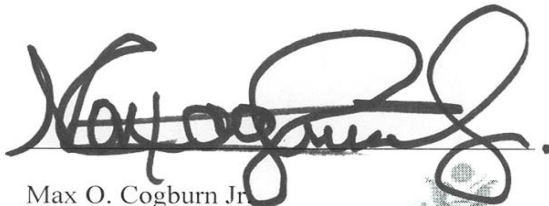
Defendants.)

THIS MATTER is before the court on Defendants' Motion for Clarification (#218) and Plaintiffs' Motion to Strike (#220) Defendants' recent expert disclosure. The court held a status conference on August 22, 2016, at which time it discussed the status of mediation as well as the relief sought through the pending Motions. As stated at the status conference, the court finds that Defendants' request for the court to tell the parties how it will rule on the issue of damages as they relate to FLSA offsets is premature. If this case proceeds to trial, the court will address the issue of how to calculate damages after it reaches a decision as to whether damages are appropriate in this case. The court will therefore deny the Motion to Clarify and will hear arguments on the legal issues in dispute at the appropriate time during trial. Regarding Plaintiffs' Motion to Strike, the court will deny the Motion without prejudice for the reasons stated in open court, and will hear any renewed Motion from Plaintiff about the expert disclosure—including arguments regarding timeliness—at trial. The court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that Defendants' Motion for Clarification (#218) is **DENIED**, and Plaintiffs' Motion to Strike (#220) is **DENIED without prejudice**.

Signed: August 23, 2016



Max O. Cogburn Jr.
United States District Judge